

REMARKS

Claims 47, 49, 51, 58, 60, and 62-79 were pending as of the date of this Office Action. As a result of this Office Action, claims 47, 58, 59 (which was previously cancelled), and 62-70 have been cancelled, while claims 49, 51, 60, and 71-79 remain pending.

Claim 58 was rejected under 35 USC 102(e) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over U.S. Patent No. 6,392,119 to Gutterson ("Gutterson"), as noted on pages 3-4 of the Office Action.

Applicants have cancelled claim 58 and therefore this rejection is moot.

Claims 47, 58, 59 (previously cancelled), and 62-70 were rejected under 35 USC 103(a) as being unpatentable over Gutterson in view of each of Stuurman et al. (1996, Plant Mol. Biol. 32:901-913), and Medberry et al. (1995, Nuc. Acids Res. 23:485-490), as explained on pages 4-7 of the Office Action.

Claims 47, 58, 59, and 62-70 are cancelled herein without prejudice. Applicants reserve the right to present said claims in a divisional or continuation application. For the record, however, Applicants wish to state that in their opinion and the opinion of those skilled in the art as evidenced by the 132 Declarations previously submitted, selecting a progeny devoid of recombinase was NOT obvious at the time the invention was made.

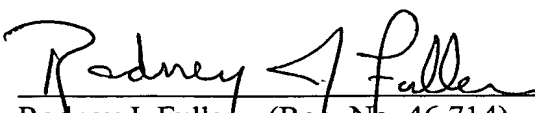
In view of the cancellation of these claims, Applicants request that this rejection be withdrawn.

In view of the foregoing, and the fact that the remaining pending claims have been allowed by the Examiner, it is believed that the entire application is now in condition for allowance, early notice of which would be appreciated. Should any issues remain, Applicants request that the Examiner telephone their representative Rodney Fuller at (202) 371-5838 to discuss the any outstanding concerns that the Examiner may have in order to expedite the allowance of all the claims in this application.

Respectfully submitted,

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Date



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